IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPLICATION NO.514 OF 2003
AND
COMPANY PETITION NO.483 OF 2003

Tata Motors Ltd. .. Applicants

And

Autoriders (India) P.Ltd. .. Respondents

Mr.N.G.Thakkar with Mr.G.R.Joshi & Mr.V.W.Bilwa i/b Mulla & Mulla and Cragie Blunt and Caroe for the petitioner

Ms.Mili Thakkar i/b Haridas Co. for the company

**CORAM : S.U.KAMDAR, J**

**DATED : 11th March 2005**

P.C.:

1. The company petition is filed for recovery of an amount of aprox.Rs.21,01,82,764.40 in respect of vehicles supplied by the petitioner to the respondent company. The respondents were the Agent of the petitioner for the purpose of sale of the said Motor Vehicles to the untimate consumers. The supply of the said vehicles have been effected from time to time and necessary invoices were raised. There are large number acknowledgement of liability by the company in respect of the said claim. A

letter dated 13.3.00 is one of such acknowledgement of debt of an amount of Rs.15.45 crores as due and payable to the petitioners by the respondent company. The only defence raised is of limitation.

2. In view of the large number of admission of liability the present petition cannot be treated as beyond time. In the balance sheet of the company an on 31.3.01 also there has been an admission of liability. In view of the aforesaid position I find that the company is unable to pay his debts and there is no bonafide dispute. In view thereto company petition is admitted and advertised in Free Press Journal, Janmabhoomi and Government Gazette. The petitioner to deposit a sum of Rs.2000 in the office of the Prothonotary & Senior Master, High Court, Mumbai.

3. In view of the large outstanding of amount Rs.24 crores and odd and no defence was on merits of any nature whatsoever as also the company's business has been closed down I find it is appropriate to appoint an Official Liquidator, High Court Bombay as Provisional Liquidator. Company

Application is disposed of in terms of prayer clause (a).